



UNITED STATES PATENT AND TRADEMARK OFFICE

90
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,975	10/04/2001	Trent D. Tholen	5096US	5703
24247	7590	03/23/2004	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			ADDIE, RAYMOND W	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/971,975

Applicant(s)

THOLEN ET AL.

Examiner

Raymond W. Addie

Art Unit

3671

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 17-35, 37, 42 and 48 is/are allowed.
- 6) ☒ Claim(s) 36, 38-41 and 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 39 is objected to because of the following informalities: In. 2, the phrase "associate with said cab" should be –associated with said assembly". Since there is no recitation of "a cab" in claim 36. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36, 38-41, 43-47 are rejected under 35 U.S.C. 102(b) as being anticipated by
Stephenson et al. # 6,122,789.

Stephenson discloses an aircraft engagement assembly (319) comprising:

A frame (41, 42) having a main floor (220) and a support structure (81, 82).

A plurality of 1st floor panels (220/33) associated with said frame for pivoted movement
about a plurality of parallel, generally horizontal axis.

A plurality of 2nd floor panels (30, 31, 32) secured to said 1st floor panels and arranged
for sliding movement along said frame in a direction perpendicular to the parallel,
generally horizontal axis. See Figs. 1-7, 12; col. 5, ln. 4-col. 6, ln. 46.

A control console (83) associated with a left side of a cab (320) portion such that the 1st

floor panel is positioned intermediate said control console (83) and said 2nd floor panels, and the 1st & 2nd floor panels are viewable from the control console (83), such that said floor panels are intermediate the control console and the leading edge of the assembly.

Wherein the second floor panel is slidably displaceable relative to said 1st floor panel and the 1st and 2nd floor panels are disposed within an opening in defined in said floor. See Figs. 7, 12, 15.

Allowable Subject Matter

3. Claims 1-35, 48 are allowed.

Claims 37, 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 3/19/2004 have been fully considered but they are not persuasive. Applicant argues against the reference to Stephenson et al. by stating "Stephenson et al. does not teach a floor panel which is pivotally arranged for motion about a generally horizontal axis".

However, Stephenson et al. clearly discloses in col. 6, that sub assembly three-Swivel Floor "is different from any existing...bridges and..."The floor section can swivel up and down at each end with the pivot point in the center location much like a child's teeter totter or bar and fulcrum with the floor section behind the pivoting section which will be hinged at two angles connecting the rear floor to the pivoting floor section without the need of a step, providing a smooth incline. Preferably electric motors provide locomotion of the floor movement. Sensors and limit switches provide protection from over-travel. The moving floor dimension is for example approximately 10'.times.3' rectangle using angle steel and tubing for a frame work and a two 1/4" piano hinge for the aft floor assembly.

The floor can preferably pivot 15 degrees up or down".

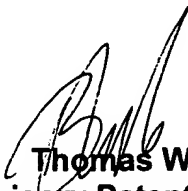
Therefore the argument is not persuasive.

Applicant's arguments with respect to the reference to Zhou # 6,212,724 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2, 6-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas Will
Supervisory Patent Examiner
Group 3600

Application/Control Number: 09/971,975
Art Unit: 3671

Page 6